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Brief History of California DUI Laws

The first California DUI laws were established in 1911 long before the state was crowded with over 20 million automobiles and 19 million licensed drivers. The first state to adopt anti drinking and driving laws was New York in 1910.

California followed the following year stating that no "intoxicated" person shall drive. This word "intoxicated" even to this day has proved to be a 'slippery pig' in determining who is drunk (impaired to the extent that they were not able to operate an automobile safely) and who is not.

During the 1980's, various citizens' groups, most notably Mothers Against Drunk Drivers (MADD), mobilized public support around the idea that existing drunk-driving laws were inadequate and that too often the drunk driver went unpunished or underpunished. The problem before MADD wasn't that peace officers weren't arresting drunk drivers it was that they weren't being properly convicted in the courts.

In 1981 the California legislature responded by adopting comprehensive changes in the law. It was in the decade of the 80's the majority of legislation was made into law. Fifty-five pieces of legislation between the years 1980 and 1986 passed the California legislature and turned into law.

These changes reflected two concerns:

- (1) prosecution and conviction of those arrested for driving under the influence and
- (2) ensuring that blood alcohol levels (.10) were put on the books to ease the burden

of proving the driver was under the influence.² This resulted in mandatory minimum sentences for all offenders including the requirement that those convicted of a DUI were required to attend education and counseling classes.

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